

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION**

**CASE NO.: 23-cv-22148-GAYLES/LOUIS**

**ROSH CHODESH II LIMITED  
PARTNERSHIP, *et al.*,**

Plaintiffs,

**v.**

**JAN S. WIMPFHEIMER, *et al.*,**

Defendants.

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**ORDER**

**THIS CAUSE** comes before the Court upon the Joint Motion to Dismiss [ECF No. 30] filed by Defendants Madison Gold, LLC (“Madison Gold”), Jan S. Wimpfheimer (“Wimpfheimer”), and Schwell Wimpfheimer & Associates, LLP’s (“SWA”) (together, the “Moving Defendants”). [ECF No. 30]. The action was referred to Magistrate Judge Lauren F. Louis, pursuant to 28 U.S.C. § 636(b)(1)(B), for a ruling on all pretrial, non-dispositive matters, and for a Report and Recommendation on any dispositive matters. [ECF No. 53]. On February 27, 2024, Judge Louis issued her Report recommending that the Moving Defendants’ Motion be granted and that the Amended Complaint be dismissed without prejudice (the “Report”). [ECF No. 57]. The Moving Defendants objected to the Report, but only as to the Report’s findings regarding personal jurisdiction. [ECF No. 58]. No other party filed objections.

A district court may accept, reject, or modify a magistrate judge’s report and recommendation. 28 U.S.C. § 636(b)(1). Those portions of the report and recommendation to which objection is made are accorded *de novo* review, if those objections “pinpoint the specific findings

that the party disagrees with.” *United States v. Schultz*, 565 F.3d 1353, 1360 (11th Cir. 2009); *see also* Fed. R. Civ. P. 72(b)(3). Any portions of the report and recommendation to which *no* specific objection is made are reviewed only for clear error. *Liberty Am. Ins. Grp., Inc. v. WestPoint Underwriters, L.L.C.*, 199 F. Supp. 2d 1271, 1276 (M.D. Fla. 2001); *accord Macort v. Prem, Inc.*, 208 F. App’x 781, 784 (11th Cir. 2006).

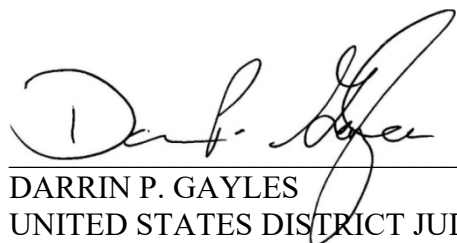
Upon *de novo* review, the Court agrees with Judge Louis’s well-reasoned analysis and conclusion that the exercise of personal jurisdiction over the Moving Defendants was proper, that the Motion to Dismiss should be granted without prejudice, and that this Court should decline to exercise supplemental jurisdiction over Plaintiff’s state law claims.

#### **CONCLUSION**

After careful consideration, it is **ORDERED AND ADJUDGED** as follows:

- (1) Judge Louis’s Report and Recommendation, [ECF No. 57], is **ADOPTED in full**;
- (2) Defendants’ Joint Motion to Dismiss, [ECF No. 30], is **GRANTED**; and
- (3) This action is closed for administrative purposes.

**DONE AND ORDERED** in Chambers at Miami, Florida, this 29th day of February, 2024.

  
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DARRIN P. GAYLES  
UNITED STATES DISTRICT JUDGE